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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,877	05/15/2006	Claude Dehennau	05129-00118-US	5169
	7590 09/18/200 SOVE LODGE & HUT	EXAMINER		
PO BOX 2207		MCNALLY, DANIEL		
WILMINGTON	N, DE 19899		ART UNIT	PAPER NUMBER
		1791		
			MAIL DATE	DELIVERY MODE
			09/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/564,877	DEHENNAU ET AL.		
Examiner	Art Unit		
DANIEL MCNALLY	1791		

2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS 3. ☑ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☑ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)). 4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324). 5. ☐ Applicant's reply has overcome the following rejection(s): 6. ☐ Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s) used the claims would be rejected is provided below or appended. 7. ☑ For purposes of appeal, the proposed amendment(s): a) ☑ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. Claim(s) allowed:		DANIEL MCNALLY	1791	
1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoicid abandonment of this application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.131; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following replication in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.131; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) ☐ The period for reply expires 2 months from the mailing date of the final rejection. Examiner Note: If the Statistics prior of or reply expires on: (1) the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS for The FIRAL REJECTION. See MFEP 70.57(1). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee number 5.7 CFR 1.176(a) is exclusived firm; (1) the expiration date of the shortened structory period for reply originally set in the final Office actor, (2) as they revolue any examed patent term adjustment. See 37 CFR 1.70(b). NOTICE OF APPEAL 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137 must be filed within two months of the date of filing the Notice of Appeal was fleed on A brief in compliance with 37 CFR 4.137(b), to avoid dismissal of the appeal. Since a Notice of Appeal was been filed, any reply must be filed within the time period set froit in 37 CFR 4.1.37(a). AMENDMENTS 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) ☐ They raise the issue of new matter (see NOTE below); (b) ☐ They raise new issues that would	The MAILING DATE of this communication appear	ars on the cover sheet with the c	correspondence add	ress
application, applicant must timely life one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.14. The reply must be filled within one of the following time periods: a) \(\) The period for reply expires on: (1) the mailing date of this Advisory Aciton, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expires later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: (1) to 31 is checked, check either box (a) or (5), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FIRST REPLY WAS FILED WITHIN TWO MONTHS TO THE FIRST REPLY WAS FILED WITHIN TWO MONTHS TO THE FIRST REPLY WAS FILED WITHIN TWO MONTHS TO THE FIRST REPLY WAS FILED WITHIN TWO MONTHS TO THE FIRST WAS FILED WITHIN TWO	THE REPLY FILED 14 September 2009 FAILS TO PLACE THIS	S APPLICATION IN CONDITION F	OR ALLOWANCE.	
a) ☐ The period for reply expires 2_months from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box it is checked, check citient bx (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILLED WITHIN TWO MONTHS OF THE FINAL REJECTION. See NMPEP 706 (07f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee have been filed in (b) above, if chocked. Any reply received by the Office later than three months after the mailing date of the final rejection, or (2) as set forth in (b) above, if chocked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any amend patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL. 2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal was filed any reply must be filed within the time period set forth in 37 CFR 41.37(a). The Appeal of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). 3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a). They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise new i	application, applicant must timely file one of the following r application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	eplies: (1) an amendment, affidavi al (with appeal fee) in compliance	t, or other evidence, w with 37 CFR 41.31; or	hich places the (3) a Request
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee nave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL 2. The Notice of Appeal was filed on	a) The period for reply expires <u>3</u> months from the mailing date of this Ac no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (b)	dvisory Action, or (2) the date set forth ter than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE	date of the final rejection	n.
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	/Daniel McNally/ Examiner, Art Unit 1791		nit 1791	

Continuation of 3. NOTE: Claim 9 was amended to require the core is without radiation absorbent layer, which is a new issue. The new issue requires further search and consideration to determine the patentability of the claims.

Continuation of 11. does NOT place the application in condition for allowance because: Claim 9 was amended to include new issues. Applicant argues the limitation added from claim 9 is taken from claim 13. However the limitation removed from claim 13 is directed toward only one face of the two skins comprising the absorbent layer, and claim 13 does not discuss the composition of the core outside of the core being extruded.

Because the amendment is not entered the claims are still in the form submitted on 2/24/2009, and the claims are rejected for the same reasons expressed in the Final Office action mailed 6/18/2009